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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 USA,

10 Plaintiff/Respondent,

11 v.

12 Felipe Sarabia-Labrador,

13 Defendant/Movant.  
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CV-13-02193-PHX-JAT  
CR-12-00417-PHX-JAT

**ORDER**

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16 Pending before the Court is Movant's Second Amended Motion to Vacate, Set  
17 Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 10). The Magistrate Judge  
18 to whom this case was assigned issued a Report and Recommendation (R&R) (Doc. 16)  
19 recommending that this Court deny the Motion.

20 Neither party has filed objections to the R&R. Accordingly, the Court hereby  
21 accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district  
22 courts are not required to conduct "any review at all . . . of any issue that is not the  
23 subject of an objection"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.  
24 2003) (en banc) ("statute makes it clear that the district judge must review the magistrate  
25 judge's findings and recommendations de novo *if objection is made*, but not otherwise"  
26 (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D.  
27 Ariz. 2003).

28 Accordingly,

1           **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.  
2 16) is ACCEPTED and ADOPTED;

3           **IT IS FURTHER ORDERED** that Movant's Second Amended Motion to  
4 Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 10) is  
5 DENIED WITH PREJUDICE; and the Clerk of the Court shall enter judgment  
6 accordingly.  
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8           **IT IS FINALLY ORDERED** that pursuant to Rule 11 of the Rules Governing  
9 Section 2255 Proceedings, in the event Movant files an appeal, the Court denies issuance  
10 of a certificate of appealability because Movant has not made a substantial showing of the  
11 denial of a constitutional right.

12           Dated this 10th day of June, 2015.

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17           James A. Teilborg  
18           Senior United States District Judge  
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